

APR 01 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA)	Civil Action No. 5:11-cr-00026-1
)	
v.)	<u>§ 2255 Order</u>
)	
RUSSELL KINNARD HENRY, JR.,)	By: Hon. Michael F. Urbanski
Petitioner.)	United States District Judge

For the reasons stated in the accompanying opinion, it is hereby **ADJUDGED AND ORDERED**
as follows:

- (1) The United States' motion to dismiss (Docket No. 84) is **TAKEN UNDER
ADVISEMENT**, and the Clerk shall set this matter for an evidentiary hearing; and
- (2) If petitioner cannot afford counsel, he can apply to proceed *in forma pauperis* and the
court will appoint counsel; and
- (3) The Clerk will arrange for the petitioner to appear by video-conferencing to the extent
practicable.

The Clerk is directed to send a copy of this Order to petitioner and counsel of record for the
United States.

ENTER: This 15th day of April, 2013.

/s/ Michael F. Urbanski
United States District Judge